UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

CORRADINO D. CAPOZZI,

Plaintiff,

3:14-CV-0325 (GTS/ATB)

v.

CAROLYN W. COLVIN, Acting Comm'r of Soc. Sec.,

Defendant.

APPEARANCES:

OF COUNSEL:

HINMAN, HOWARD & KATTELL LLP Counsel for Plaintiff P.O. Box 5250 80 Exchange Street 700 Security Mutual Building Binghamton, New York 13902-5250 BRENT M. WHITING, ESQ.

SOCIAL SECURITY ADMINISTRATION OFFICE OF REG'L GEN. COUNSEL Counsel for Defendant 26 Federal Plaza, Room 3904 New York, New York 10278 ANDREEA L. LECHLEITNER, ESQ. FERGUS J. KAISER, ESQ.

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Judge Andrew T. Baxter, filed on April 1, 2015, recommending that the Commissioner's decision be affirmed and Plaintiff's Complaint be dismissed. (Dkt. No. 14.) Objections to the Report-Recommendation have not been filed and the time in which to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing all of the papers herein, including Magistrate Judge Baxter's thorough Report-Recommendation, the Court can find no

clear error in the Report-Recommendation. As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's decision is affirmed; and Plaintiff's Complaint is dismissed in its entirety.

ACCORDINGLY, it is

ORDERED that Magistrate Judge Baxter's Report-Recommendation (Dkt. No. 14) is

<u>ACCEPTED</u> and <u>ADOPTED</u> in its entirety; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 10) is **DENIED**; and it is further

ORDERED that Defendant's motion for judgment on the pleadings (Dkt. No. 13) is **GRANTED**; and it is further

ORDERED that the Commissioner's decision is **AFFIRMED**; and it is further **ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED**.

Dated: May 4, 2015

Syracuse, New York

Hon. Glenn T. Suddaby

U.S. District Judge